

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
VALDOSTA DIVISION**

NATIVE AMERICAN ARTS, INC.,

Plaintiff,

v.

BUD K WORLDWIDE, INC.,

Defendant.

Civil Action 7:10-CV-124 (HL)

ORDER

Pending in this case is Defendant's Motion to Dismiss for Lack of Article III Standing (Doc. 31). A hearing on this Motion is set for May 31, 2011.

Plaintiff has now requested, based on an order entered in a California case, that the Court cancel the upcoming hearing and deny Defendant's Motion. The request is denied. Plaintiff states in its pleadings that it will be prepared to establish standing and jurisdiction at the May 31 hearing, and the Court will hear argument and evidence at that time on the Article III constitutional standing issue.

Defendant contends that Plaintiff lacks both constitutional standing and prudential standing to bring this action. The Court disagrees with Defendant on the prudential standing issue. Congress specifically provided that Indian arts and crafts groups like Plaintiff may bring claims under the Indian Arts and Crafts Act ("IACA"). Plaintiff is an intended beneficiary of the IACA, and is attempting to assert its own legal rights in this case. The claims it asserts certainly fall within the "zone of interest" to be protected by the IACA. The Motion to Dismiss as it relates to

prudential standing is denied, and no further argument will be heard on that issue. The Court reserves ruling on the Motion to Dismiss as to the constitutional standing issue, and the parties should be prepared to proceed on that matter on May 31 at 1:30 p.m.

SO ORDERED, this the 23rd day of May, 2011.

s/ Hugh Lawson
HUGH LAWSON, SENIOR JUDGE

mbh